

Green Facts

Certificates of Approval – Waste Disposal and Management

The Environmental Assessment and Approvals Branch (EAAB) of the Ministry of the Environment issues "Certificates of Approval" under the *Environmental Protection Act* (EPA) for waste disposal and management. Certificates of Approval are required for facilities that store, transport, process or dispose of waste. This fact sheet provides information for prospective owners and operators of facilities that handle, store, transfer, treat, process, or dispose of waste.

What requires approval?

Section 27 of the *Environmental Protection Act* requires that an approval must be obtained prior to using, operating, establishing, altering, enlarging or extending a waste management system or a waste disposal site.

Operations or activities that require approval include but are not limited to:

- a landfill or an incinerator;
- processing someone else's waste at your facility;
- waste transfer and processing facilities;
- biosolids spreading sites.

The responsibility for obtaining approval for a waste disposal site or waste management system lies primarily with the owner, however no one can engage in the activities described above until the necessary certificate of approval is obtained. If the owner is a corporation, the person signing the application on behalf of the corporation must be someone who is specifically authorized by the

corporation to do so. If the person signing the application is not an official of the corporation, the application must be accompanied by a letter signed by an official of the corporation authorizing the person to act on its behalf for that purpose.

Are there exemptions to the requirement to obtain a Certificate of Approval?

Specific exemptions for selected types of waste or activities have been granted in the General Waste Management regulation made under the EPA (O.Reg. 347).

Waste management operations or activities that are exempted from the requirement to obtain an approval may include:

- some recycling activities;
- some wood waste combustor or waste derived fuel sites;
- use of clean wood waste as ground cover

How do I obtain a Certificate of Approval?

An application for a Certificate of Approval must be submitted to the EAAB for most waste disposal and management activities. This application should include a completed application form, the required application fee and any supporting information identified on the application form or in the application guidance material. A copy of the application form and supporting information should also be submitted to the ministry's District Office serving the area of the site.

Applications for Certificates of Approval relating to hauled sewage and biosolid disposal sites should

be submitted directly to the ministry's District Office serving the area in which the existing or proposed disposal site is/will be located. Application forms, application guidance material and contact information for the ministry's District Offices are available from the EAAB and in the "Publications" section of the ministry web site at www.ene.gov.on.ca.

What happens to my application once it is submitted?

Applications are screened for completeness by the EAAB. Incomplete applications may be returned at the application processing stage. Applicants should receive acknowledgment of receipt of their applications within two weeks.

Applications are reviewed by technical staff and engineers to assess if the application demonstrates compliance with the EPA and applicable regulations and guidelines.

Is a hearing required?

The Director must require the Environmental Review Tribunal to hold a hearing before granting an approval if a waste disposal site (i.e., dump, landfill or incinerator) is intended for the final disposal of hauled liquid industrial waste, hazardous waste or any other waste equivalent of domestic waste of 1,500 persons or more (Section 30, EPA). In cases where, in the opinion of the Director, an emergency situation can be alleviated by the use, operation, establishment, alteration, enlargement or extension of a waste disposal site, the Director has the authority to grant an approval without requiring a hearing (Section 31, EPA).

Municipal applicants should also determine whether the *Environmental Assessment Act* (EAA) applies to the undertaking and, if so, ensure that any relevant EAA requirements are met before submitting an application for a C of A.

If the application is not subject to a hearing then as part of the application acknowledgment process a notice is filed under the *Environmental Bill of Rights* (EBR). Based on public comments received during the EBR process and other comments on the application a public hearing may be held at the discretion of the Director (Section 32, EPA).

When can I expect to get my approval?

The EAAB typically receives over 1000 waste disposal and management C of A applications per year. Applications are processed in chronological order of their receipt.

If the proposal needs to be subjected to a public consultation/hearing process then the C of A can not be issued until after this process is complete.

The best assurance of a timely review is the preparation of a complete application package that clearly demonstrates compliance with the EPA and applicable regulations and guidelines. Review will take longer if additional required information is identified and technical comments are required from other parts of the ministry.

Will I require any other approvals?

In addition to approval under the EAA and Section 27 of EPA, the proposal may require approval under Section 9 of the EPA (air & noise) and/or Section 53 of the OWRA (sewage works). The proposal may also require approval from other Ontario ministries and other levels of government (i.e., federal or municipal). Approval under one Act does not imply approval under other Acts, under other sections of the same Act or under any other legislation.

The information contained in this document is of a general nature only and is not intended to constitute advice for any specific situation. Please note that the texts of many Ontario statutes and regulations are available on the Internet at www.e-laws.gov.on.ca.

For more information about Certificates of Approval or to obtain an application package, please contact:

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